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9 Attorney for Defendant
10 KELLY CARN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

2:13-cr-00346-APG-GWF

10 Plaintiff,

11 Vs.

STIPULATION AND ORDER TO
CONTINUE CALENDAR CALL AND
TRIAL

12 KELLY CARN,

13 Defendants.

(FOURTH REQUEST)

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16 IT IS HEREBY STIPULATED by and between KELLY CARN Defendant, by and
17 through his counsel CRAIG K. PERRY, ESQ., and the United States of America, ANDREW
18 DUNCAN, Assistant United States Attorney, that calendar call in the above-captioned matter
19 currently scheduled for January 21, 2015, at the hour of 8:45 a.m., and the trial currently
20 scheduled for January 26, 2015 at the hour of 9:00 a.m., be vacated and continued for ninety (90)
21 days, or to a date and time to be set by this Honorable Court.

22 This Stipulation is entered into for the following reasons:

- 23 1. Defendant is not in custody. Counsel has spoken to Defendant and he does not
24 oppose the continuance.
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2 2. Counsel has spoken to AUSA Andrew Duncan and he has no objection to the
3 continuance.

4 3. There are pending matters that have not yet been resolved namely the return of items
5 taken from defendant and whether the government, the ATF or another federal law-
6 enforcement agency has the possession, custody or control of computers or
7 computer hard drives belonging to defendant Carn and or The Gun Vault, Inc.

8 4. Defendant Carn is still trying to acquire evidence that was recovered by the Las
9 Vegas Metro Police Department.

10 5. The parties need additional time to resolve the issue of the missing items and
11 adequately prepare for trial.

12 6. Denial for this request for continuance would deny the parties herein time and the
13 opportunity within which to effectively and thoroughly research and prepare for trial in
14 this case, taking into account the exercise of due diligence.

15 7. Additionally, denial of this request for continuance would result in a miscarriage of
16 justice.

17 8. For all the above-stated reasons, the ends of justice would best be served by a
18 continuance of the trial date.

19 9. The additional time requested by this stipulation, is excludable in computing the time
20 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
21 U.S.C. 3161(h)(7) (A), considering the factors under 18 U.S.C. 3161 (h)(7)(B)(i)
22 and 3161 (h)(7)(B)(iv).
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10. This is the fourth request for a continuance of the trial date in this case.

Dated this 14th day of January, 2015.

Dated this 14th day of January, 2015.

CRAIG K. PERRY & ASSOCIATES

DANIEL G BOGDEN
UNITED STATES ATTORNEY

/s/ Craig K. Perry, Esq.

/s/ Andrew Duncan, Esq.

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Attorney for Defendant
KELLY CARN

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

2:13-cr-00346-APG-GWF

10 Plaintiff,

11 Vs.

STIPULATION AND ORDER TO
CONTINUE CALENDAR CALL AND
TRIAL

12 KELLY CARN,

13 Defendants.

(FOURTH REQUEST)

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16 FINDINGS OF FACT

17 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
18 Court finds:

19 This Stipulation is entered into for the following reasons:

- 20 1. Defendant is not in custody. Counsel has spoken to defendant and he does not
21 object to the continuance.
22 2. Counsel has spoken to AUSA Andrew Duncan and he has no objection to the
23 continuance.

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25 ///

- 1 3. There are pending matter that have not yet been resolved namely the return of items
2 taken from defendant and whether the government, the ATF or another federal law-
3 enforcement agency has the possession, custody or control of computers or
4 computer hard drives belonging to defendant Carn and or The Gun Vault, Inc.
- 5 4. Defendant Carn is still trying to acquire evidence that was recovered by the Las
6 Vegas Metro Police Department.
- 7 5. The parties need additional time to resolve the issue of the missing items and
8 adequately prepare for trial.
- 9 6. Denial for this request for continuance would deny the parties herein time and the
10 opportunity within which to effectively and thoroughly research and prepare for trial in
11 this case, taking into account the exercise of due diligence.
- 12 7. Additionally, denial of this request for continuance would result in a miscarriage of
13 justice.
- 14 8. For all the above-stated reasons, the ends of justice would best be served by a
15 continuance of the trial date.
- 16 9. The additional time requested by this stipulation, is excludable in computing the time
17 within which the trial herein must commence pursuant to the Speedy Trial Act, 18
18 U.S.C. 3161(h)(7) (A), considering the factors under 18 U.S.C. 3161 (h)(7)(B)(i)
19 and 3161 (h)(7)(B)(iv).
- 20 10. This is the fourth request for a continuance of the trial date in this case.

21 CONCLUSIONS OF LAW

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23 The end of justice served by granting said continuance outweigh the best interest of the
24 public and defendants in a speedy trial since the failure to grant said continuance would likely result
25 in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within

1 which to be able to effectively and thoroughly prepare for sentencing taking into account the
2 exercise of due diligence.

3 The continuance sought herein is excludable under the Speedy Trial Act, Title 18 U.S.C. §
4 3161(h)(7) (A), considering the factors under title 18 U.S.C. 3161 (h)(7)(B)(i) through Section
5 3161 (h)(7)(B)(iv).

6 **ORDER**

7 **IT IS ORDERED** that calendar call currently scheduled for January 21, 2015, at the hour of
8 8:45 a.m., be vacated and continued to April 22, 2015 at 8:45 a.m., Courtroom 6C.

9 **IT IS FURTHER ORDERED** that the trial scheduled for January 26, 2015, at the hour of
10 9:00 a.m., be vacated and continued to April 27, 2015 at 9:00 a.m., Courtroom 6C.

11 **IT IS FURTHER ORDERED** that trial briefs, proposed voir dire questions, proposed
12 jury instructions, and of the Government's prospective witnesses shall be submitted to the Court
13 12:00 p.m., April 27, 2015.

14 DATED this 20th of January, 2015.

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18 U.S. DISTRICT JUDGE
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